THIS IS THE <u>BEGINNING</u> OF ADMINISTRATIVE FINE CASE # 3118



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

2016 SEP 14 AM 8: 58

September 13, 2016

MEMORANDUM

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer &

Staff Director

FROM:

Patricia C. Orrock

Chief Compliance Officer

Debbie Chacona to PCO

Assistant Staff Director Reports Analysis Division

BY:

KDP Kristin D. Roser/Ben Holly B.H.

Reports Analysis Division

Compliance Branch

SUBJECT:

Reason To Believe Recommendation -2016 July Quarterly Report for the

Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2016 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2016.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalties calculation for the following committees that failed to file the report is outlined below:

Recommendation

- 1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- 2. Send the appropriate letters.

Reason to Believe Circulation Report 2016 JULY QUARTERLY Not Election Sensitive 07/15/2016 H_S_P_UNAUTH Federal Election Commission

| RTB Penalty | \$10,935 |
|--------------------------------|---|
| LOA | Not Filed \$267,725 (est) |
| Days Late | Not Filed |
| Threshold PV Receipt Days Late | |
| <u>\$</u> | 0 |
| Threshold | \$535,449 0 |
| Treasurer | ANDREA LAWFUL SANDERS |
| Candidate Name | BRIAN KENDALL SIMS |
| Committee Name | 3118 C00588756 BRIAN SIMS FOR CONGRESS BRIAN KENDALL SIMS |
| AF# Committee ID | C00588756 |
| AF# | 3118 |

BEFORE THE FEDERAL ELECTION COMMISSION

| In the Matter of |) |
|--|----------------|
| Reason To Believe Recommendation – 2016 July Quarterly Report for the Administrative Fine Program: |) |
| BRIAN SIMS FOR CONGRESS, and SANDERS, ANDREA LAWFUL as treasurer; |) AF#3118) |

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on September 15, 2016 the Commission took the following actions on the Reason To Believe Recommendation – 2016 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2016, on the following committees:

AF#3118 Decided by a vote of 6-0 to: (1) find reason to believe that BRIAN SIMS FOR CONGRESS, and SANDERS, ANDREA LAWFUL in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

17092711676

17092711677

17092711679

Attest:

Shawn Woodhead Werth

Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

September 16, 2016

Andrea Lawful Sanders, in official capacity as Treasurer Brian Sims for Congress P.O. Box 15941 Philadelphia, PA 19103

C00588756 AF#: 3118

Dear Ms. Sanders:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2016 through June 30, 2016, shall be filed no later than July 15, 2016. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil moncy penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 15, 2016, the FEC found that there is reason to believe ("RTB") that Brian Sims for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2016. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$10,935. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. Your payment of \$10,935 is due within forty (40) days of the finding, or by October 25, 2016, and is based on these factors:

Sensitivity of Report: Not Election Sensitive

Level of Activity: \$267,725 Number of Days Late: Not Filed

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 25, 2016. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Brian Sims for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Matthew S. Petersen

Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$10,935 for the 2016 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Brian Sims for Congress

FEC ID#: C00588756

AF#: 3118

PAYMENT DUE DATE: October 25, 2016

PAYMENT AMOUNT DUE: \$10,935



RECEIVED FEC MAIL CENTER 2016 OCT 24 AM 10: 34

ADAM C. BONIN Direct Phone 267.242.5014 Direct Fax 215.701.2321 adam@boninlaw.com

October 14, 2016

Office of Administrative Review Federal Election Commission 999 E Street Washington, DC 20463

re: AF #3118 (Brian Sims for Congress, C00588756)

To the Commission:

As authorized counsel on behalf of Brian Sims for Congress, I request a reduction of the civil money penalty assessed here.

We do not contest that the July 15 quarterly report was not filed in a timely manner. It was filed on October 14, 2016, 91 days late. However, the amount of fine has been miscalculated.

Brian Sims ended his congressional candidacy on February 16, 2016, and his committee has been winding down ever since. Today, it also filed its October 15 quarterly report as a termination report.

The FEC estimated his level of activity in the late-filed non-election sensitive report as \$267,725, but that was based on the active phase of his campaign. In truth, the late-filed report discloses only \$513.18 in expenditures and no contributions received—instead, only a \$2000.00 contribution refund. There was \$868.00 cash on-hand at the end of the reporting period.

If the \$2000.00 refund is included as net activity in the calculations, then the committee should be paying no fine per the FEC's online administrative fines calculator; if the refund is disregarded or if it is considered as an additional disbursement, the fine should still be reduced to \$321.00.

30 South 15th Street, 15th Floor, Philadelphia PA, 19102

We appreciate your consideration of this matter, and apologize for the late filing. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

2



November 16, 2016

REVIEWING OFFICER RECOMMENDATION OFFICE OF ADMINISTRATIVE REVIEW ("OAR")

AF# 3118 – Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer (C00588756)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty.

Reason-to-Believe Background

The 2016 July Quarterly Report was due on July 15, 2016. The respondents filed the report on October 14, 2016, 91 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On September 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 July Quarterly Report and made a preliminary determination that the civil money penalty was \$10,935 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 16, 2016 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On October 24, 2016, the Commission received the written response ("challenge") from the respondents' counsel. Counsel does not dispute the lateness of the report, but he requests that the penalty be recalculated based on the level of activity disclosed on the recently filed 2016 July Quarterly Report. Counsel further states:

If the \$2000.00 refund is included as net activity in the calculations, then the committee should be paying no fine per the FEC's online administrative fines calculator; if the refund is disregarded or if it is considered as an additional disbursement, the fine should still be reduced to \$321.00.

The challenge also indicates the Candidate ended his campaign on February 16, 2016, and the Committee recently filed a Termination Report.

Analysis

At the time of the RTB finding, the Commission used an estimated level of activity (\$267,725) to calculate the penalty because the 2016 July Quarterly Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). The Committee filed the report on October 14, 2016, 91 days late. The report discloses \$0 in total receipts and \$2,513.18 in total disbursements. The Reviewing Officer confirms that а contribution refund is considered disbursement. 11 C.F.R § 104.3(b)(2)(v)(A). Therefore, the actual level of activity of the 2016 July Quarterly Report is \$2,513.18. Using the schedule of penalties at 11 C.F.R § 111.43(a) for the level of bracket 4,999.99, the civil money penalty of \$1 $321 \times [1 + (.25 \times 0)]$ previous violations)] or 321.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty, reduced from the RTB civil money penalty of \$10,935.

OAR Recommendations

- 1. Adopt the Reviewing Officer recommendation for AF# 3118 involving Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, in making the final determination:
- 2. Make a final determination in AF# 3118 that Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty (reduced from the RTB civil money penalty of \$10,935); and
- 3. Send the appropriate letter.

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 - Declaration from RAD

Attachment 3 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

- 1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
- 2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
- 3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Brian Sims for Congress:
 - A) Non-Filer Letter, dated August 3, 2016, referencing the 2016 July Quarterly Report (sent via electronic mail to: info@simsforcongress.com and adam@boninlaw.com);
 - B) Reason-to-Believe Letter, dated September 16, 2016 referencing the 2016 July Quarterly Report (sent via overnight mail to the address of record).
- 4. I hereby certify that I have searched the Commission's public records and find that Brian Sims for Congress filed the 2016 July Quarterly Report with the Commission on October 14, 2016.
- Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 2nd day of November, 2016.

Kristin D. Roser

Chief, Compliance Branch Reports Analysis Division Federal Election Commission



RQ-7

August 3, 2016

SANDERS, ANDREA LAWFUL, TREASURER BRIAN SIMS FOR CONGRESS PO BOX 15941 PHILADELPHIA, PA 19103

IDENTIFICATION NUMBER: C00588756

REFERENCE: JULY QUARTERLY REPORT (04/01/2016 - 06/30/2016)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 999 E Street, N.W., Washington, DC 20463 for House candidates, or the Secretary of the Senate, 232 Hart Senate Office Building, Washington, DC 20510 (if sent via overnight delivery service) or Senate Office of Public Records, P.O. Box 77578, Washington, DC 20013-7578 (if sent via USPS) for Senate Candidates. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

BRIAN SIMS FOR CONGRESS

Page 2 of 2

If you have any questions regarding this matter, please contact Christopher Ritchie at our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

Sincerely,

Debbie Chacona

Deborah Chacona Assistant Staff Director Reports Analysis Division

250

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 15, 2016 for the 2016 July Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover page, Summary Page, and Detailed Summary Pages of the 2016 July Quarterly Report filed by Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer. The report includes the coverage period of April 1, 2016 through June 30, 2016 and was electronically filed on October 14, 2016.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 16th day of November, 2016.

Rhiannon Magruder Reviewing Officer

Office of Administrative Review Federal Election Commission

PAGE 1/8

REPORT OF RECEIPTS

| FEC FORM 3 | A | ND DIS | | URSEI | | ΓS | | | | Office | Use Önly- | |
|-----------------------------|---------------|--------------------|------------|-------------------|-----------------------------|---|-----------------|--|--------------------|-------------|-------------------------------|--|
| 1. NAME OF COMMITTEE (in | full) | TYPE OR PRIN | ▼ | | ample: If t er the line: | | , type | 12F | E4MS | 5 | | |
| Brian Sims for | | 6 S | lL | | | | | 1. 1. 1. | | | | أننا |
| | | <u> </u> | <u> </u> | 1111 | | _Ļ_1 | | <u>1 </u> | | | | اللن |
| ADDRESS (number an | d street) | PO Box 15941 | <u></u> i | | <u> </u> | 1 | | | | | 1.1.1.1. | ــــــــــــــــــــــــــــــــــــــ |
| ▼ Check if dif | ferent | نسا | lL | | | تــــــــــــــــــــــــــــــــــــــ | | <u></u> | | | | لبب |
| than previous reported. (A | | Philadelphia | L . | <u> </u> | | نــاب | أحل | PA | L | 19102 | ـــا-لـــ | 111 |
| 2. FEC IDENTIFIC | CATION NU | IMBER ▼ | _ | CITY ▲ | | | S | STATE 4 | | | ZIP CODE A | |
| C C0058875 | 56 | | 3. | IS THIS REPORT | ^ | NEW | OR | | MENE A) | DED | STATE ▼ D | ISTRICT |
| 4. TYPE OF RE | | oose One) | (b) | 12-Day PRE | -Election F | Repor | t for the: | | | | | |
| April 15 | Guarterly F | leport (Q1) | | | Primary (| (12P) | | Ger | neral (1 | 12G) | Runof | f (12R) |
| · | Quarterly R | | | | Conventi | on (1: | 2C) | Spe | eciai (1 | 2 S) | | |
| · | · | ly Report (Q3) | | Election on | :A (| ۸ , | / ט ט | Y Y | y y | | in the State of | |
| January | 31 Year-En | d Report (YE) | (c) | 30-Day POS | T-Election | Repo | ort for the: | | · | | | ······································ |
| | | | | | General | (30G) | | Rur | off (30 | OR) | Specia | al (30S) |
| , . Termina | ation Report | (TER) | | Election on | M A | | י פ מ | y v | γ γ | | In the State of | |
| 5. Covering Period | | AS / U 13 / | Y | 2016 | throu | gh | [™] 06 | / ° 3 | ° ′ | | ž v 2016 | |
| I certify that I have e | | Sander, Andr | ea, La | | | | | | ect an | d com | plete. | |
| Signature of Treasure | Sana | er, Andreo, Lowful | - | | [Electronic | | iled] D | ate | M 10 th | , , | 14 Y | 016 |
| NOTE: Submission of | false, errone | ous, or incomple | te inf | ormation may | subject the | perso | on signing th | nis Repo | ort to t | he pen | alties of 52 U.S.C | C. §30109 |
| Office Use Only | | | | | | | | | | | EC FORM 3 Revised 05/2016) | 3 |

| Γ | _ | FEC Form 3 (Revised 05/2016) | SUMM/ of Receipts a | | | | | | PAGE 2 / 8 |
|-----|-------|---|------------------------|----------------------|----------|-----|--------------------|--------------------|------------|
| | | or Type Committee Name In Sims for Congress | | | | , | | | |
| R | eport | Covering the Period: From: | 04 01 | 2016 | 7 | То: | M06 ^M / | ຶ30ຶ | Ž016 Ž |
| | | | | COLUMN This Perio | | | | OLUMN n Cycle-t | |
| ô. | Net | Contributions (other than loans) | | | | | | | |
| | ٠, | Total Contributions (other than loans) (from Line 11(e)) | 1 | , | 0.00 | | , | • | 268915.30 |
| | | Total Contribution Refunds (from Line 20(d)) | . , | , | 2000.00 | | , | ٠, | 9406.00 |
| | | Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)), | , | , | -2000.00 | | 1 | , | 259509,30 |
| 7. | Net | Operating Expenditures · | | | | | | | |
| | | Total Operating Expenditures (from Line 17) | , | , | 513,18 | | , | , | 143341.02 |
| | (b) | Total Offsets to Operating Expenditures (from Line 14) | | • | 0.00 | | , | • | 0.00 |
| | | Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) | : | • | 513.18 | | -15 | , | 143341.02 |
| 3. | | n on Hand at Close of orting Period (from Line 27), | 5 | , | 868.00 | | • | | |
| 9. | the (| ts and Obligations Owed TO Committee (Itemize all on edule C and/or Schedule D) | | , | 0.00 | | | | |
| 10. | the (| ts and Obligations Owed BY Committee (Itemize all on edule C and/or Schedule D) | | ı | 0.00 | | | | |

For further information contact:

Federal Election Commission 999 E Street, NW Washington, DC 20463

Toll Free 800-424-9530 Local 202-694-1100

DETAILED SUMMARY PAGE

FEC Form 3 (Revised 05/2016)

of Receipts

PAGE 3/8

Write or Type Committee Name
Brian Sims for Congress

Report Covering the Period:

From:

04

2016

To:

30

y y 2016

| | I. RECEIPTS | - | COLUMN al This Pe | | COLUMN B Election Cycle-to-Date | | |
|-----|--|---------|----------------------|------|------------------------------------|----------|-----------|
| 11. | CONTRIBUTIONS (other than loans) FROM: | | | | | | |
| | (a) Individuals/Persons Other Than | | | | | | |
| | Political Committees (i) Itemized (use Schedule A) | 1 | : | 0.00 | | ; | 160473.00 |
| | (ii) Uniternized | , | : | 0.00 | 1 | | 107942.30 |
| | (lii) TOTAL of contributions from individuals | • | , | 0.00 | , | , ,. | 268415.30 |
| | (b) Political Party Committees | , | • | 0,00 | , | , | 0.00 |
| | (c) Other Political Committees (such as PACs) | , | | 0.00 | | , | 500.00 |
| | (d) The Candidate | | , | 0.00 | 1 | • | 0.00 |
| | (other than loans) (add Lines 11(a)(iii), (b), (c), and (d)) | 3 | | 0.00 | . 1 | , | 268915.30 |
| 2. | TRANSFERS FROM OTHER AUTHORIZED COMMITTEES | | 7 | 0.00 | , | , | 0.00 |
| 3. | LOANS: | | | | | | |
| | (a) Made or Guaranteed by the Candidate | - · · • | , | 0.00 | , | , | 0.00 |
| | (b) All Other Loans, | • | , | 0.00 | , | , | 0.00 |
| | (c) TOTAL LOANS (add Lines 13(a) and (b)) | , | , | 0.00 | ı | | 0.00 |
| 4. | OFFSETS TO OPERATING | | | • | | | |
| | EXPENDITURES (Refunds, Rebates, etc.) | 1 | 3 | 0.00 | 1 | , | 0.00 |
| 5. | OTHER RECEIPTS (Dividends, Interest, etc.) | , | | 0.00 | | , | 0.00 |
| 6. | TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4) | | , | 0.00 | , | 1 | 268915.30 |

DETAILED SUMMARY PAGE

FEC Form 3 (Revised 05/2016)

of Disbursements

PAGE 4 / 8

| II. DISBURSEMENTS | | COLUM Total This | | COLUM Election Cyc | |
|-------------------|--|---------------------|-------------|-----------------------|----------------|
| 17. | OPERATING EXPENDITURES | , 1 | 513.18 ' | 3 | 143341.02 |
| 18. | TRANSFERS TO OTHER AUTHORIZED COMMITTEES | ١ , | 0.00 | , - | , 0.00 |
| 19. | LOAN REPAYMENTS: | | | | |
| | (a) Of Loans Made or Guaranteed by the Candidate | , , | 0.00 | • | , 0.00 |
| | (b) Of All Other Loans | , : | 0.00 | | 0.00 |
| | (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)) | , , | 0.00 | , | 0.00 |
| 20. | REFUNDS OF CONTRIBUTIONS TO: | | | | |
| | (a) Individuals/Persons Other Than Political Committees | 2 1 | 2000.00 | , | 9406.00 |
| | (b) Political Party Committees | | 0.00 | | 0,00 |
| | (c) Other Political Committees (such as PACs) | ; 1 | 0.00 | • | 0.00 |
| | (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)) | , , | 2000.00 | 1 | 9406.00 |
| 21. | OTHER DISBURSEMENTS | . 1 | 0.00 | 2 | 66700.00 |
| 22. | TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) | , , | 2513.18 | : | 219447.02 : |
| | III. CASH SUM | IMARY | | | |
| 23. | CASH ON HAND AT BEGINNING OF REPORT | ING PERIOD | | | 3381.18 |
| 24 | TOTAL RECEIPTS THIS PERIOD (from Line 16 | , page 3) | | 1 | 0.00 |
| 25. | SUBTOTAL (add Line 23 and Line 24) | | | | 3381.18 |
| 26. | TOTAL DISBURSEMENTS THIS PERIOD (from | Line 22) | | : | , 2513.18 |
| 27. | CASH ON HAND AT CLOSE OF REPORTING (subtract Line 26 from Line 25) | | | | 868.00 |



November 16, 2016

Andrea Lawful Sanders, Treasurer Brian Sims for Congress P.O. Box 15941 Philadelphia, PA 19103

C00588756 AF#: 3118

Dear Ms. Sanders:

On September 15, 2016, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Brian Sims for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to file the 2016 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$10,935 based on the schedule of penaltics at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

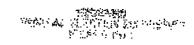
Rhiannon Magruder Reviewing Officer

Phiannon Magueler

Office of Administrative Review



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463



2816 DEC 15 PM 12: 19

December 15, 2016

MEMORANDUM

SENSITIVE

To:

The Commission

Through:

Alec Palmer Staff Director

From:

Patricia C. Orrock

Chief Compliance Officer

Rhiannon Magruder

Reviewing Officer

Office of Administrative Review

Subject:

Final Determination Recommendation in AF# 3118 - Brian Sims for Congress

and Andrea Lawful Sanders, in her official capacity as Treasurer (C00588756)

On September 15, 2016, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2016 July Quarterly Report and made a preliminary determination that the civil money penalty was \$10,935 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 24, 2016, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated November 16, 2016 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty, reduced from the RTB civil money penalty of \$10.935.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). Counsel has since indicated they will not be submitting a formal response. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty.

OAR Recommendations

- 1. Adopt the Reviewing Officer recommendation for AF# 3118 involving Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, in making the final determination;
- 2. Make a final determination in AF# 3118 that Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty (reduced from the RTB civil money penalty of \$10,935); and
- 3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

| In the Matter of |) | |
|--|---|---------|
| |) | AF 3118 |
| Final Determination Recommendation - |) | |
| Brian Sims for Congress and Andrea |) | |
| Lawful Sanders, in her official capacity |) | |
| as Treasurer (C00588756) |) | |

CERTIFICATION

I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on January 09, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF# 3118:

- 1. Adopt the Reviewing Officer recommendation for AF# 3118 involving Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, in making the final determination.
- Make a final determination in AF# 3118 that Brian Sims for Congress and Andrea Lawful Sanders, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$321 civil money penalty (reduced from the RTB civil money penalty of \$10,935).
- 3. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Dayna'C. Brown

Acting Secretary and Clerk of the

Commission

January 12, 2017

Andrea Lawful Sanders, Treasurer Brian Sims for Congress P.O. Box 15941 Philadelphia, PA 19103

C00588756 AF#: 3118

Dear Ms. Sanders:

On September 15, 2016, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Brian Sims for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2016 July Quarterly Report. By letter dated September 16, 2016, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$10,935 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 24, 2016, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Brian Sims for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2016 July Quarterly Report filed October 14, 2016 (\$2,513.18), assess a civil money penalty in the amount of \$321 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on November 16, 2016.

On January 9, 2017, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Brian Sims for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$321. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. **Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Steven T. Walther Chairman

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$321 for the 2016 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Brian Sims for Congress

FEC ID#: C00588756

AF#: 3118

PAYMENT AMOUNT DUE: \$321

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3118